

Pace.	Sulak.
Rawlings.	Van Zandt.
Roberts.	Weinert.
Shivers.	Winfield.
Spears.	Woodruff.
Stone.	

Absent.

Collie.	Westerfeld.
Redditt.	

Absent—Excused.

Newton.	Small.
Oneal.	

Adjournment.

Senator Weinert moved that the Senate recess to 2:30 o'clock p. m. today.

Senator Rawlings moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion to adjourn prevailed, and the Senate accordingly, at 12:25 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

SIXTEENTH DAY.

(Thursday, February 4, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Rawlings.
Burns.	Shivers.
Cotten.	Spears.
Davis.	Stone.
Head.	Sulak.
Hill.	Van Zandt.
Holbrook.	Weinert.
Isbell.	Westerfeld.
Lemens.	Winfield.
Moore.	Woodruff.

The following Senators were absent and excused:

Collie.	Redditt.
Newton.	Roberts.
Oneal.	Small.
Pace.	

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

Leaves of Absence Granted.

Senator Roberts was granted leave of absence for today on account of important business, on motion of Senator Sulak.

Senator Redditt was granted leave of absence for today on account of important business, on motion of Senator Burns.

Senator Collie was granted leave of absence for today on account of illness, on motion of Senator Aikin.

Senator Small was granted leave of absence for yesterday and the remainder of this week on account of important business, on motion of Senator Woodruff.

Senator Oneal was granted leave of absence for the remainder of this week on account of the death of his brother, on motion of Senator Woodruff.

Senator Pace was granted leave of absence for today on account of important business, on motion of Senator Moore.

Reports of Standing Committees.

Reports on S. B. No. 81, S. R. No. 17, H. B. No. 218 and H. B. No. 245 were submitted at this time by the chairmen of the several committees to which they were referred. (See Appendix for reports in full.)

Senate Bills and Joint Resolution on First Reading.

The following Senate bills and joint resolution were introduced, read severally first time, and referred by the President to appropriate committees, as follows:

By Senator Beck:

S. B. No. 196, A bill to be entitled "An Act providing for the relief of the Douglassville Common School District No. 20, Cass County, Texas, in order to aid said district in rebuilding and equipping its school that was destroyed by fire in December, 1935, making an appropriation to said district for said property, and declaring an emergency."

Referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 197, A bill to be entitled "An Act providing that county courts, without the necessity of trial by jury may temporarily commit persons alleged to be mentally ill who are not charged with a criminal

offense to State hospitals for the mentally ill for not exceeding ninety days for observation and/or treatment; providing temporary commitment may also be made to United States Veterans' Administration Facilities and other United States Government-operated hospitals in those cases where such agency or department of the United States will accept such persons; providing a method of determining who may be committed hereunder; providing for the temporary commitment of such persons, their discharge, furlough and release; providing for the payment of their transportation, support and treatment charges; providing that the commitment of a person shall not in any way affect the property rights nor the legal capacity of the person so committed; providing for the transfer of residents of this State committed to hospitals for the mentally-ill in other states to the hospitals for the mentally-ill in this State; providing that if any portion of this Act is declared unconstitutional and invalid it shall not affect the remaining parts; and declaring an emergency."

Referred to Committee on Public Health.

By Senators Westerfeld and Lemens:

S. B. No. 198, A bill to be entitled "An Act amending Chapter 11 of Title 49 of the Revised Civil Statutes by adding thereto a new article to be known as Article 2687b, providing that boards of trustees of common and independent school districts and county boards of trustees shall purchase all passenger automobiles, trucks, busses and other motor equipment only through the State Board of Control; and requiring adoption of a resolution by a majority of the members of such boards at a regular meeting requesting the State Board of Control to purchase such motor equipment, and providing what facts shall be set forth in such resolution, and requiring the execution of a requisition for such equipment and transmission thereof to the State Board of Control; and providing that the State Board of Control shall determine the type of equipment to be used, and for the standardization of such equipment throughout the State, and fixing the type of glass to be used in certain of such motor

equipment, and requiring all purchases under this Act to be upon competitive bids, and repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senators Weinert, Holbrook and Winfield:

S. J. R. No. 12, Proposing an amendment to the Constitution of the State of Texas by the adoption of a new section to be known as Section 67, which shall prohibit the levy, assessment and collection of State ad valorem taxes on real estate in Texas except for the purpose of paying Confederate pensions as now authorized by the Constitution of Texas; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation, publication and election."

Referred to Committee on Constitutional Amendments.

Senate Resolution No. 20.

Senator Rawlings offered the following resolution:

Be it Resolved by the Senate of the Forty-fifth Legislature of Texas That it extend sincere thanks and appreciation to the Salesmanship Club of Houston for the splendid entertainment provided for the members of the Texas Legislature and other State officials at the Gridiron dinner on last Saturday evening, January 30, 1937. To say that a "good time was had by all" is mildly expressing the keen enjoyment of all who attended this hospitable affair. The occasion of these Gridiron dinners will long be remembered by all who were present.

Be it further Resolved, That an engrossed copy of this resolution be forwarded to the President of the Salesmanship Club, and to such others of the steering committee who so successfully managed this gala entertainment.

The resolution was read and was adopted.

Senate Concurrent Resolution No. 19.

Senator Brownlee offered the following resolution:

Whereas, Honorable Harold L. Ickes, Secretary of the Interior and Federal Emergency Administrator of Public Works, will be in San Antonio on February 17; and

Whereas, Secretary Ickes has been invited to officiate at ground-breaking exercises for the construction of the Marshall Ford Dam near Austin, the largest unit of the Lower Colorado River Authority series of flood control dams; and

Whereas, It would be a distinct honor for Texas to have Secretary Ickes attend such ceremonies; and it would afford the Legislature much pleasure to welcome him to Austin, and to hear an address from the distinguished cabinet member; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That Honorable Harold L. Ickes be invited to come to Austin during his Texas visit, and be invited to address a joint session of the Legislature, at such time as may suit his convenience.

The resolution was read.

Senator Brownlee moved that the rule requiring resolutions to be referred to a committee be suspended and that the resolution be taken up for consideration at this time.

The motion to suspend the rule prevailed by the following vote:

Yeas—18.

Aikin.	Rawlings.
Beck.	Shivers.
Brownlee.	Stone.
Cotten.	Sulak.
Head.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Nays—4.

Burns.	Holbrook.
Hill.	Moore.

Absent.

Spears.	Davis.
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Absent—Excused.

Collie.	Redditt.
Newton.	Roberts.
Oneal.	Small.
Pace.	

Question then recurring on the resolution, it was adopted.

Senate Concurrent Resolution No. 20.

Senator Woodruff offered the following resolution:

Whereas, The Honorable James A. Farley, Postmaster General of the United States of America, is to be a guest within the gates of the city of Waco, McLennan County, Texas, on the 8th day of March, A. D. 1937, accompanied by the Honorable Karl Crowley, Honorable J. M. Pittillo, of Waco, and other distinguished public officials and advisors from Washington, D. C., and

Whereas, Because of the distance between the national capitol and the State capitol of Texas, complicated by their many official duties in the national capitol, the State of Texas is infrequented by visits of the President of the United States, the members of his cabinet and other persons high in the official life of the Nation; and

Whereas, The people of Texas and their Representatives in the Legislature of the State of Texas are keenly sensitive to the honor of having within our borders these distinguished visitors from the national capitol, and particularly so with reference to the above named distinguished Postmaster General of the United States and his party. Now, therefore, be it

Resolved by the Senate of the Legislature of the State of Texas, the House of Representatives concurring, That the Honorable James A. Farley and his party be extended an invitation to visit a joint session of the Legislature of Texas during the week of March 8th, 1937, at the convenience of the party, and the distinguished Postmaster General be especially invited to address a joint session of the House and the Senate at a date and hour convenient to his itinerary within the State; and be it

Resolved, That the Speaker of the House, and the President of the Senate be and they are hereby authorized to convene the House and Senate in joint session upon receipt of notice of the time of the arrival at the capitol of Texas of the distinguished visitor and his party. Be it further

Resolved, That the Secretary of the

Senate be, and he is, hereby directed to transmit to the Honorable James A. Farley, Postmaster General of the United States of America this invitation.

The resolution was read.

On motion of Senator Woodruff, and by unanimous consent, the rule requiring resolutions to be referred to a committee was suspended for the purpose of considering the resolution at this time.

The resolution was then adopted.

Senate Resolution No. 21.

Senator Stone offered the following resolution:

Be it Resolved by the Senate, That the floral offering sent to the family of our colleague, Senator Ben G. Oneal, for the funeral of his brother, J. M. Oneal; and the expenses of the committee appointed by the President of the Senate to attend the funeral be paid out of the Contingent Fund of the Senate.

On motion of Senator Stone, and by unanimous consent, the rule requiring resolutions be referred to a committee was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, Feb. 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 167, A bill to be entitled "An Act to provide for the licensing of certain persons connected with race tracks; providing authority requirements; providing authority to deny and revoke licenses; providing penalties and repealing all laws in conflict herewith, and providing an emergency."

H. C. R. No. 15, Granting Mrs. E. L. Kitchens permission to sue the State of Texas and the Highway Department for personal damages.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 24 Re-referred.

The President stated that if there was no objection Senate Bill No. 24 would be re-referred from the Committee on Commerce and Manufacturing to the Committee on State Affairs.

There was no objection offered, and it was so ordered.

House Bill on First Reading.

H. B. No. 167, received from the House today, was laid before the Senate, read first time and referred by the President to the Committee on State Affairs.

House Concurrent Resolution No. 15.

H. C. R. No. 15, received from the House today, was read and was referred by the President to the Committee on State Affairs.

Senate Bill No. 1 on Engrossment.

(Unfinished Business.)

The President laid before the Senate, as unfinished business, on its passage to engrossment (the bill having been read second time on Monday, February 1, 1937):

S. B. No. 1, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legislature, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, etc., and declaring an emergency."

With amendment by Senator Aikin, as substituted by substitute of Senator Van Zandt as amended by amendment of Senator Holbrook, pending.

Question: Shall the amendment as substituted be adopted?

(Senator Rawlings in the Chair.)

The amendment as substituted was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 1, page 4, line 33, by adding after the word "Penitentiary" the following:

"No member of the Legislature shall be permitted to practice before the board."

Senator Burns moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Brownlee.	Neal.
Burns.	Nelson.
Cotten.	Rawlings.
Davis.	Shivers.
Head.	Spears.
Holbrook.	Stone.
Isbell.	Weinert.
Moore.	Winfield.

Nays—7.

Aikin.	Van Zandt.
Hill.	Westerfeld.
Lemens.	Woodruff.
Sulak.	

Absent.

Beck.

Absent—Excused.

Collie.	Redditt.
Newton.	Roberts.
Oneal.	Small.
Pace.	

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 1, Section 6, line 29, after the word "office" by striking out the rest of said line and insert in lieu thereof the following: "By impeachment by the Legislature."

The amendment was adopted.

(President in the Chair.)

Senator Van Zandt offered the following amendment to the bill:

Amend Section 26A of S. B. No. 1 by adding at the proper place, "or the refusal of clemency."

The amendment was adopted.

On motion of Senator Van Zandt, and by unanimous consent, it was ordered that the caption of the bill be amended to conform with changes made in the body of the bill.

S. B. No. 1 was then passed to engrossment.

Bill Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill:

S. B. No. 44, "An Act validating, confirming, approving and legalizing all bonds heretofore authorized by the necessary vote of the qualified voters of all cities of more than fifteen thousand (15,000) population according to the last preceding Federal census and all bond elections held in such cities for the purpose of voting such bonds wherein the necessary majority of the voters voted in favor thereof are hereby validated insofar as any irregularities in following the requirements of the provisions of the General Law that such elections shall be held not more than thirty (30) days from the date of the election order are concerned; provided that the irregularities in following the requirements of city charters as to time in the calling and holding of such elections shall not in any manner affect the validity of said bonds, but same shall, if otherwise valid, when approved by the Attorney General and registered by the Comptroller of Public Accounts and sold for not less than par and accrued interest, be valid subsisting indebtedness of said cities; providing that this Act shall not apply to any proceedings or bonds issued thereunder where the validity of such is being contested or attacked in any pending suit or litigation, and declaring an emergency."

Senate Concurrent Resolution
No. 21.

Senator Spears, by unanimous consent, offered the following resolution at this time:

Be it Resolved, By the Senate of Texas, and the House of Representatives concurring, That Honorable Harry L. Howard, Judge of the 37th District Court of Bexar County, be, and he is hereby, granted permission to be absent from the State of Texas for a period of 90 days, because of illness and be effective immediately.

The resolution was read and was adopted.

Senate Bill No. 116 on Second Reading.

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 116, A bill to be entitled "An Act creating the Board of Pardons and Paroles to consist of three members, in response to the amendment to Section 11, Article 4, of the Constitution of the State of Texas, adopted November 3, 1936, prescribing its powers, duties and the procedure before it; providing it may make other rules of procedure not in conflict with this Act; providing for the appointment of its members; prescribing their qualifications, terms of office, the manner of their removal from office and filling vacancies; providing for the appointment of a chairman by the Governor, defining his duties and fixing the time he shall serve as such; fixing the compensation of its members; providing for the payment of expenses of the members of the board and its stenographers when away on official business; providing that a majority of the board shall constitute a quorum; designating place where the board shall maintain its offices; etc., and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

On motion of Senator Van Zandt, the bill was tabled.

Senate Bill No. 185 Ordered Printed.

On motion of Senator Cotten, it was ordered that Senate Bill No. 185 be printed in advance of its consideration in committee.

Senate Bill No. 84.

Senator Shivers moved that the constitutional rule limiting consideration and passage of bills by the Senate during the earlier days of the Regular Session of the Legislature be suspended to allow consideration in committee and passage by the Senate of S. B. No. 84.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the membership of the Senate):

Yeas—24.

Aikin.	Neal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Shivers.
Cotten.	Spears.
Davis.	Stone.
Head.	Sulak.
Hill.	Van Zandt.
Holbrook.	Weinert.
Isbell.	Westerfeld.
Lemens.	Winfield.
Moore.	Woodruff.

Absent.

Nelson.

Absent—Excused.

Collie.	Redditt.
Newton.	Roberts.
Oneal.	Small.

Addition to Standing Committee.

Senator Pace asked unanimous consent of the Senate that Senator Rawlings be added to the Committee on Insurance.

There was no objection offered, and it was so ordered.

Adjournment.

On motion of Senator Rawlings, the Senate, at 11:20 o'clock a. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.**Reports of Standing Committees.**

Committee Room,

Austin, Texas, Feb. 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 81, A bill to be entitled "An Act declaring all fraternal benefit societies, organized or licensed under the provisions of Chapter 8, of Title 78, of the Revised Civil Statutes of Texas, to be charitable or benevolent institutions and exempting the funds of all such fraternal benefit societies from all and every state, county, district, municipal and school tax, including occupation taxes, other than taxes on real estate and office equipment when same is used for other than lodge

purposes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred Senate Resolution No. 17,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 218, A bill to be entitled "An Act to amend H. B. No. 423, Acts of the Forty-fourth Legislature, Regular Session, by providing that Limestone, Robertson and Milam Counties be excepted from the provisions of said bill, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 245, A bill to be entitled "An Act to declare a closed season on the killing of deer and turkey in Throckmorton and Shackelford Counties for a period ending February 1, 1941, prescribing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 44 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 19 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

SEVENTEENTH DAY.

(Friday, February 5, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

The following Senators were absent and excused:

Collie.	Redditt.
Newton.	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.